

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
SOUTHERN DIVISION**

<b>UNITED STATES OF AMERICA,</b>	)	
	)	
<b>Plaintiff</b>	)	
	)	
<b>v.</b>	)	<b>Criminal Action</b>
	)	<b>No. 16-mj-2021-DPR</b>
<b>BRANDON D. MCDONALD,</b>	)	
	)	
<b>Defendant.</b>	)	

**ORDER**

After the United States orally moved for pretrial detention, a hearing was held in this matter pursuant to § 3142(f), Title 18, United States Code. The defendant was present personally and with his appointed counsel David Mercer, Assistant Federal Public Defender. The United States was represented by Abe McGull, Assistant United States Attorney.

A complaint and supporting affidavit has been filed in this case. The affidavit supports a finding of probable cause to believe that the offense charged was committed by this defendant. Based on the evidence presented at the hearing, there are no conditions the Court can impose that would reasonably assure the defendant's appearance at all scheduled hearings and the safety of other persons or the community.

The factors to be considered by the Court are enumerated in Title 18, United States Code, Section 3142(g). The evidence at the hearing established that the weight of the

evidence is overwhelming. Regarding the potential for failure to appear, the Court notes defendant's extensive record of failure to appear, lack of verifiable, legitimate employment, pending charges, unstable living situation, extensive criminal activity, and substance abuse history.

Regarding the potential danger to the community, the Court notes the nature of the instant offense and defendant's extensive criminal history including prior arrests and convictions, history of weapons possession, violent behavior history, and pattern of similar criminal history. The defendant also has substance abuse history.

Based on all the foregoing, the Courts finds by a preponderance of the evidence that the defendant is a risk of flight, and finds by clear and convincing evidence that the defendant is a danger to the community.

**IT IS THEREFORE ORDERED** that the defendant be, and is hereby detained without bail.

**IT IS FURTHER ORDERED** that the defendant be committed to the custody of the Attorney General or his designated representative for confinement in a correction facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States, or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the defendant to the United States marshal for the purpose of an appearance in connection with a court proceeding.

**IT IS SO ORDRED.**

**DATED: April 28, 2016**

*/s/ David P. Rush*

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DAVID P. RUSH

United States Magistrate Judge